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**TITLE 326 AIR POLLUTION CONTROL DIVISION**

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**FIRST NOTICE OF COMMENT PERIOD**

LSA Document #18-364

**PORTLAND CEMENT MONITORING****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [326 IAC 3-5-1](#) based on a request from Lehigh Hanson, Inc. and Buzzi Unicem USA, regarding removal of the continuous opacity monitoring requirement for Portland cement plants. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** [326 IAC 3-5-1](#).

**AUTHORITY:** [IC 13-14-8](#); [IC 13-17-3-1](#); [IC 13-17-3-4](#).

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING****Basic Purpose and Background**

Continuous monitoring requirements in [326 IAC 3-5](#) currently apply to Portland cement plants operating in Indiana. Lehigh Hanson, Inc. and Buzzi Unicem USA requested removal of the continuous opacity monitoring requirement for Portland cement plants based on United States Environmental Protection Agency (U.S. EPA) revisions to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Portland cement plants at 40 CFR 63, Subpart LLL.

Under the current state rule at [326 IAC 3-5](#), Portland cement plants may choose to use either a continuous opacity monitoring system (COMS) or a continuous emission monitoring system for particulate matter (PM CEMS) to monitor emissions from kilns and clinker coolers. If using a PM CEMS, each source must certify its monitoring equipment in accordance with Performance Specification 11 (PS-11) and Procedure 2 of 40 CFR 60, Appendix F.

In 2013, U.S. EPA revised the NESHAP for Portland cement plants to require a continuous parametric monitoring system (CPMS). Under the federal revisions to the NESHAP, operators of a CPMS are not required to comply with PS-11, and no separate PS exists for a CPMS.

IDEM proposes to revise [326 IAC 3-5-1\(b\)\(5\)](#) concerning the requirement for Portland cement plant kilns and clinker coolers to monitor opacity. The proposal will allow the use of a CPMS to monitor emissions based on the updated federal rule. Amending the rule language will ensure that state rules are consistent with federal requirements. IDEM is not proposing a change to the language at [326 IAC 5-1](#), which was also included in the request.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

**Alternatives to Be Considered Within the Rulemaking**

Alternative 1. Add language to [326 IAC 3-5-1\(b\)\(5\)](#) that would allow the use of a CPMS to monitor emissions, as updated in the new federal requirements.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law, but is related to the final rule published by U.S. EPA on February 12, 2013 (78 FR 10006).
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 2. Do not amend this state rule.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. The alternative to not amend the state rule at [326 IAC 3-5-1](#) will create inconsistency between state and federal requirements.

**Applicable Federal Law**

40 CFR 60, Subpart F - Standards of Performance for Portland Cement Plants; 40 CFR 60, Appendix B - Performance Specifications; 40 CFR 63, Subpart LLL - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.

**Potential Fiscal Impact**

Potential Fiscal Impact of Alternative 1. This rulemaking will have a positive fiscal impact on the affected Portland cement plants. It revises the opacity monitoring requirement in [326 IAC 3-5-1\(b\)\(5\)](#) to allow for the use of

a CPMS to be consistent with federal regulations. Updating the rules at [326 IAC 3-5](#) will not impose any additional costs for the regulated industry or IDEM.

Potential Fiscal Impact of Alternative 2. If [326 IAC 3-5](#) is not amended, there would be no fiscal benefit to the affected sources and there would be inconsistency between state and federal requirements.

#### **Small Business Assistance Information**

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

[www.in.gov/idem/ctap](http://www.in.gov/idem/ctap)

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Angela Taylor  
IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison  
IGCN 1316  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 233-0572 or (800) 988-7901  
[ctap@idem.in.gov](mailto:ctap@idem.in.gov)

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Katelyn Colclazier  
Small Business Ombudsman  
Indiana Economic Development Corporation  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
(317) 431-1560  
[kcolclazier@iedc.in.gov](mailto:kcolclazier@iedc.in.gov)

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Erin Moorhous  
IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison  
IGCN 1301  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 232-8921 or (800) 451-6027  
[emoorhou@idem.in.gov](mailto:emoorhou@idem.in.gov)

#### **Public Participation and Work Group Information**

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Keelyn Walsh, Rules Development Branch, Office of Legal Counsel at (317) 232-8229 or (800) 451-6027 (in Indiana).

#### **REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

LSA Document #18-364 Portland Cement Monitoring  
Keelyn Walsh  
Rules Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to kwalsh@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

#### **COMMENT PERIOD DEADLINE**

All comments must be postmarked, faxed, or time stamped not later than September 28, 2018.

Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel (317) 232-8229 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief  
Rules Development Branch  
Office of Legal Counsel

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An [html](#) version of this document.